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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,571	02/23/2004	Atsushi Ono	CU-3600 RJS	1061
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LADAS & PARRY LLP 224 SOUTH MICHIGAN AVENUE SUITE 1600 CHICAGO, IL 60604			EXAMINER NGUYEN, BRIAN D	
			ART UNIT 2616	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/784,571	<b>Applicant(s)</b> ONO, ATSUSHI	
	<b>Examiner</b> Brian D. Nguyen	<b>Art Unit</b> 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Objections*

1. Claims 2, 5, 8, 9, and 11-13 are objected to because of the following informalities:

Claim 2, line 7, it is suggested to delete “wave”.

Claim 5, line 10, it is suggested to replace “before performing communications” with --before returning to determining a communication condition of the communication channel--. See claim 1 where the communications is performed after determining that the communication channel is not being used.

Claim 8, line 4, it is suggested to replace “performs communications” with --performs subsequent communication by returning to determining a communication condition of the communication channel--. See claim 3.

Claim 9, line 13, it is suggested to replace “controller” with --controllers--, line 18, replace “before performing communications” with --before returning to determining a communication condition of the communication channel--.

Claim 11, line 3, it is suggested to replace “controller” with --controllers--.

Claim 12, line 4, it is suggested to replace “communications” with --subsequent communications by returning to determining a communication condition of the communication channel--.

Claim 13, line 10, it is suggested to replace “before performing communications” with --before returning to determining a communication condition of the communication channel--.

Claim 16, line 4, it is suggested to replace “communications” with --subsequent communications by returning to determining a communication condition of the communication channel--.

*Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3 and 5-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Conley et al (6,651,107).

Regarding claim 1, Conley discloses a communication method of communicating with a plurality of communication apparatuses (clients) via a communication channel (common physical link), the communication method comprising: a first step of determining a communication condition of the communication channel (see col. 1, lines 48-50); a second step of, when the first step determines that the communication channel is being used, waiting for a predetermined waiting time and returning to the first step (see col. 1, lines 50-53 and col. 2, lines 1-2); and a third step of, when the first step determines that the communication channel is not being used, performing communications via the communication channel (see col. 1, lines 54-56), wherein the communication apparatuses have different predetermined waiting times (see col. 2, lines 2-8).

Regarding claim 2, Conley discloses the first step detects a carrier frequency of the communication channel, when the carrier frequency is detected, the first step determines that the

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communication channel is being used, and when the carrier wave frequency is not detected, the first step determines that the communication channel is not being used (see col. 1, lines 48-56).

Regarding claim 3, Conley discloses when communication is successively performed by using the communication channel, subsequent communication is performed by returning to the first step after waiting for a predetermined communication period after performing communication in accordance with the third step (see col. 1, lines 45-56 and col. 2, lines 1-8).

Regarding claims 5-8, claims 5-8 are apparatus claims that have substantially all the limitations of the respective method claims 1-3. Therefore, they are subject to the same rejection. Note that claim 1 includes limitations claimed in claim 5 and 7.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conley in view of Gosior et al (2002/0159434).

Regarding claim 4, Conley does not specifically disclose the communication channel is a wireless communication channel. However, to use a wireless or wired channel is well known and is matter of choice. Gosior discloses a system that uses wireless channel (see paragraph 0002). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the

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invention was made to use wireless channel as taught by Gosior in the system of Conley in order to eliminate the masses of wires interconnecting.

6. Claims 9-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gosior in view of Conley.

Regarding claim 9, Gosior discloses a game system, comprising: a game machine (see figure 1 and game console in paragraph 0001); a plurality of game controllers (see claim 45) controlling the game machine and performing two-way communications with the game machine; and a communication apparatus (see base transceiver 12 in figure 1) that performs communications with the game machine and the game controllers. Gosior does not specifically disclose the game controllers and the communication apparatus each comprising: a communication condition determination part that determines a communication condition of a communication channel between the game controller and the communication apparatus; and a communication controller that, when the communication condition determination part determines that the communication channel is being used, waits for a predetermined waiting time before performing communications, and when the communication condition determination part determines that the communication channel is not being used, performs communications by using the communication channel. However, these features are well known in the art. Conley discloses a system that uses carrier sense multiple access/collision detection (CSMA/CD) protocol in which a channel condition is determined and when the communication channel is being used, waits for a predetermined waiting time before performing communications, and when the communication channel is not being used, performs communications by using the communication channel (see col. 1, lines 45-56). Therefore, it would have been obvious to a

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person of ordinary skill in the art at the time the invention was made to use the technique of accessing the communication channel as taught by Conley in the system of Gosior in order to govern the access to the communication channel.

Regarding claims 10-12, Conley further discloses wherein the communication condition determination part detects a carrier frequency on the communication channel, when the carrier frequency is detected, the communication condition determination part determines that the communication channel is being used, and when the carrier frequency is not detected, the communication condition determination part determines that the communication channel is not being used as in claim 10 (see col. 1, lines 48-56), wherein the predetermined waiting time is set such that the game controller and the communication apparatus have different waiting times as in claim 11 (see col. 2, lines 2-8), and wherein when communications are successively performed by using the communication channel, the communication controller performs communications at predetermined communication periods as in claim 12 (see col. 1, lines 45-56 and col. 2, lines 1-8). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the access technique as taught by Conley in the system of Gosior so that a single game controller gains access to the communication channel, with others of the waiting game controllers gaining access to the channel successively.

Regarding claims 13-16, claims 13-16 claim a game controller that includes limitations described in game system claims 9-12. Therefore, they are subject to the same rejection.

### *Conclusion*

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7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rutkowski (5,806,849), Johnson et al (2004/0221025), Hausman et al (5,872,920), and Raphaeli et al (2003/0103521).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian D. Nguyen whose telephone number is (571) 272-3084. The examiner can normally be reached on 7:30-6:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

6/26/07

**BRIAN NGUYEN**  
**PRIMARY EXAMINER**